

amended (Act). The application has been assigned permit number PRT-807634. The proposed permit would authorize the incidental take of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), giant kangaroo rat (*Dipodomys ingens*), San Joaquin woollythreads (*Lembertia congdonii*), California jewelflower (*Caulanthus californicus*), Kern mallow (*Eremalche kernensis*) and the threatened Hoover's eriastrum (*Eriastrum hooveri*) and/or their habitat during the implementation of the pipeline replacement activities. The permit will become effective for the following currently unlisted, covered species if they are listed under the Act: San Joaquin whipsnake (*Masticophis flagelium ruddocki*), short-nosed kangaroo rat (*Dipodomys nitatoides brevinasus*), San Joaquin pocket mouse (*Perognathus inoratus*), Tulare grasshopper mouse (*Onychomys torridus tulerensis*), San Joaquin LeConte's thrasher (*Toxostoma lecontei macmillanorum*), western burrowing owl, (*Athene cunicularia hypugea*), oil nest straw (*Stylocline citroiem*), forked fiddleneck (*Amsinckia vernicosa*) and heart scale (*Atriplex cordulata*).

The Service also announces the availability of an environmental assessment (EA) for the incidental take permit application, which includes the proposed habitat conservation plan (HCP) fully describing the proposed project and mitigation, and the accompanying implementing agreement (IA). This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

DATES: Written comments on the permit application, EA and IA should be received on or before November 24, 1995.

ADDRESSES: Comments regarding the application or adequacy of the HCP, EA and IA should be addressed to Mr. Joel Medlin, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Please refer to permit number PRT-807634 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Horton or Ms. Sheila Larsen, U.S. Fish and Wildlife Service, Sacramento Field Office (address above), telephone (916-979-2725).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the documents should immediately contact the Service's Sacramento Field Office at the above referenced address, or by telephone at (916) 979-2725.

Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Act prohibits the "taking" of a species listed as threatened or endangered. However, the Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are promulgated at 50 CFR 17.22 and 17.32.

Chevron Pipeline Company proposes to replace the pipeline located in Kern County, Sections 27, 29, 31, 32, and 33, T31S, R24E, and Section 1, T32S, R23E, MDB&M. The pipeline construction corridor is 50 feet wide and 22,240 feet long, covering an area of approximately 25.5 acres, entirely within the sections listed above. The HCP boundary is the same as the pipeline corridor. In the eastern half of the proposed pipeline route, the pipeline will be installed under an existing paved road; the western half of the pipeline route consists of an existing pipeline right-of-way characterized by disturbed saltbush scrub habitat. Project activities may result in take of covered species and temporary disturbance to their habitats within the 25.5-acre project area. The proposed project will temporarily disturb the San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, San Joaquin woollythreads, California jewelflower, Kern mallow and the threatened Hoover's eriastrum and/or their habitat during the implementation of the pipeline replacement activities. The HCP involves implementation of measures to minimize effects to the environment by utilizing existing roadways for all construction related activities, and designating Habitat Management Lands to compensate for the natural land lost. Chevron Pipeline Company will dedicate 28 acres of land in Chevron Corporation's Lokern Land Bank, or another approved land bank in consultation with the Service, for preservation in perpetuity. In addition, direct harassment of covered species will be avoided to the greatest extent practicable.

The EA considers the environmental consequences of three alternatives. The

no action alternative may result in the accidental release of crude oil, which would have adverse impacts on the surrounding habitat. The no action alternative also would likely result in an increased amount of maintenance activity and consequently, an increased amount of disturbance. Alternative 3 would involve similar construction activities in a project area south of the proposed route. The alternative route is less developed and would, therefore, have a greater potential for take of listed or candidate species. Both alternatives have been thoroughly reviewed and eliminated from further consideration because they would have the potential for greater adverse environmental impacts in both the short and long term. The Service considers implementation of the proposed HCP in connection with a section 10(a)(1)(B) permit to be an effective means to reconcile oil drilling activities with the section 9 listed species take prohibition and other conservation mandates under the Act.

This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final NEPA and permit determination will be made no sooner than 30 days from the date of this notice.

Dated: October 18, 1995.

William F. Shake,

Acting Deputy Regional Director, Region 1, Portland, Oregon.

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BILLING CODE 4310-55-P

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Vintage Petroleum Inc.'s Two Exploratory Well Site Locations, Kern County, CA

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that Vintage Petroleum Inc. has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number PRT-807633. The proposed permit would

authorize the incidental take of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*), San Joaquin woollythreads (*Lembertia congonii*), California jewelflower (*Caulanthus californicus*), Kern mallow (*Eremalche kernensis* or *E. parryi* ssp. *kernensis*) and the threatened Hoovers eriastrum (*Eriastrum hooveri*) and/or their habitat during the implementation of oil drilling activities.

The Service also announces the availability of an environmental assessment (EA) for the incidental take permit application, which includes the proposed habitat conservation plan (HCP) fully describing the proposed project and mitigation, and the accompanying implementing agreement (IA). This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and IA should be received on or before November 24, 1995

ADDRESSES: Comments regarding the application or adequacy of the EA and IA should be addressed to Mr. Joel Medlin, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Please refer to permit number PRT-807633 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Horton or Ms. Jody Brown, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825 (916-979-2725).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the documents should immediately contact the Service's Sacramento Field Office at the above referenced address, or by telephone at (916) 979-2725. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Act, and its implementing regulations, prohibits the taking of a species listed as threatened or endangered. However, the Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered

species are promulgated at 50 CFR 17.22 and 17.32.

Vintage Petroleum Inc. is proposing to drill two exploratory oil wells to determine whether the suspected oil reserves actually exist. Many of the oil fields in Kern County are nearing the end of their productivity. Therefore, efforts to continue oil recovery are becoming more difficult, often requiring steam injection or other means to extract trapped oil. However, because of advancements in technology, previously unidentified strata may now be mapped and identified. By drilling an exploratory well, it can be determined whether or not the oil reservoirs are sufficient for the well to be commercially productive. Though the proposed project would remove 5 acres of suitable habitat for the San Joaquin kit fox, blunt-nosed leopard lizard, Tipton kangaroo rat, San Joaquin woollythreads, California jewelflower, Kern mallow and Hoovers eriastrum, the HCP involves implementation of measures to minimize effects to the environment by utilizing existing roadways for all construction related activities, and designating Habitat Management Lands to compensate for the natural lands lost. Compensation ratios for permanently disturbed habitat areas will be 3:1 (3 acres preserved for every 1 acre permanently disturbed); for areas considered to be temporarily disturbed, a ratio of 1:1 will be used (1.1 acres preserved for every 1 acre temporarily disturbed). In addition, direct harassment of any endangered species will be avoided to the greatest extent practicable.

The EA considers the environmental consequences of three alternatives. The no action alternative would result in no immediate environmental impacts, but was rejected because it would deny Vintage Petroleum Inc. the opportunity to develop and recover potential oil resources at this site. Alternative 1 would relocate the well center to an area where disturbance and associated impacts will be reduced. This alternative, however, may not be feasible dependant upon drilling limitations, distance the well hole would be moved, and the potential to hit the predicted oil reservoirs below. Moving the well location could result in a greater loss of habitat as well as impacts to threatened and endangered species. This alternative has been thoroughly reviewed and eliminated from further consideration because it would have the potential for greater adverse ground impacts in the short and long term. The Service considers implementation of the proposed HCP in connection with a section 10(a)(1)(B)

permit to be an effective means to reconcile oil drilling activities with the section 9 listed species take prohibition and other conservation mandates under the Act.

This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final NEPA and permit determination will be made no sooner than 30 days from the date of this notice.

Dated: October 18, 1995.

William F. Shake,

Acting Deputy Regional Director, Region 1,
Portland, Oregon.

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Availability of Draft Environmental Impact Statement for Proposed Issuance of a Permit to Allow Incidental Take of Golden-Cheeked Warbler, Black-Capped Vireo, and Six Karst Invertebrates in Travis County, Texas

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of a draft Environmental Impact Statement (EIS) for the proposed issuance of a section 10(a)(1)(B) permit to allow the incidental take of golden-cheeked warblers, black-capped vireos, and six karst invertebrates for land development on private lands in Travis County, Texas.

SUMMARY: The city of Austin and Travis County have applied for a permit for the U.S. Fish and Wildlife Service to allow for incidental take of federally-listed endangered species black-capped vireo, golden-cheeked warbler, and six karst invertebrates under section 10(a)(1)(B) of the Endangered Species Act. This will be incidental to otherwise lawful activities that would occur as a result of clearing of vegetation and grading or other earth-moving activities necessary for residential, commercial, and industrial construction and infrastructure projects within Travis County, Texas.

The proposed permit will allow approved incidental take outside of proposed preserve lands within the proposed permit boundaries. In general,